

PATENT  
Atty. Dkt. No. ROC920010291US1  
MPS Ref. No.: IBMK10291

### REMARKS

This is intended as a full and complete response to the Office Action dated December 8, 2004, having a shortened statutory period for response set to expire on March 8, 2005.

Claims 1-25 are pending in the application and remain pending following entry of this response. Please reconsider the claims pending in the application for reasons discussed below.

#### ***Claim Rejections - 35 U.S.C. § 103***

Claims 1, 12 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Olson et al.* (US Patent No. 6,484,222, hereinafter *Olson*) in view of *Yeh* (US Patent No. 6,275,950). Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. Applicant submits the present rejection fails to establish at least the first and third criteria, for reasons discussed below.

The Office Action states that *Olson* teaches all of the claimed elements except the multiplexer, that *Yeh* teaches a multiplexer, and that it would have been obvious at the time of the invention to a person of ordinary skill in the art to include a multiplexer as taught by *Yeh* in the invention taught by *Olson*. However, as *Olson* teaches only a single clock signal that may be driven at two different frequencies (see col. 5, lines 19-24), there is no motivation to include a multiplexer.

By definition, a multiplexer selects between multiple sources/signals. Since *Olson* discloses a single clock configured to drive a single clock signal (at two different frequencies), the provision of a multiplexer as suggested by the Examiner is nonsensical. In other words, since *Olson* teaches only a single clock signal/source (operable at two frequencies), a selection between two or more distinct clock signals on

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distinct paths (using a multiplexer) is simply not possible. As such, the provision of a multiplexer in *O/son*, as suggested by the Examiner, would result in an apparatus that, upon switching (muxing), selects the same signal/path, since *O/son* has only one clock generator (located in the bridge). In order to select between two distinct signals on two distinct paths, a design change to *O/son* would be required. However, a person skilled in the art would not be motivated to make either of such changes because, at best, the result would be to selectively operate according to a 33MHz signal or a 66MHz signal, a functionality already achieved by *O/son* without the use of a multiplexer. Accordingly, since the provision of a multiplexer in *O/son* achieves no additional or improved functionality, a person skilled in the art would not be motivated to combine as suggested by the Examiner.

Therefore, Applicants submit that claims 1, 12, and 22 are patentable over *O/son* in view of *Yeh* and respectfully request withdrawal of this rejection.

#### Allowable Subject Matter

Claims 2, 4, 8, 13, 18, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants submit, however, that base claims 1, 11, and 22, from which these claims depend are patentable for reasons discussed above. Accordingly, Applicants submit these dependent claims are allowable and request withdrawal of this objection.

While claims 3, 5-7, 9-10, 12, 14-17, and 25 are not specifically addressed in the Office Action, these claims are listed as objected in the Office Action Summary. Because these claims also depend from claims 1, 11, and 22, Applicants submit these claims are also allowable and request withdrawal of this objection.

#### Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a

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detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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